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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,687	05/31/2001	Patricia Kesling	XMS-102	8151

28970 7590 05/13/2004

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EXAMINER

DEAN, RAYMOND S

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,687

Applicant(s)

KESLING ET AL.

Examiner

Raymond S Dean

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 72 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 72 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 28 – 32 and 35 - 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Noreen et al. (5,303,393).

Regarding Claim 28, Noreen teaches a system for effecting mobile commerce in a digital radio broadcasting system, comprising: at least one content provider (Column 4 lines 23 – 40, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be at least one content provider); means for broadcasting the content (Figure 1, the satellite is the means); a plurality of radios, of which at least one radio is configured to receive and play the content broadcast from the at least one satellite (Column 4 lines 23 – 40, multiple consumers thus a plurality of radios), wherein the content is separated into segments and each segment is assigned a program identifier (Column 13 lines 15 – 32).

Regarding Claim 29, Noreen teaches all of the claimed limitations recited in Claim 28. Noreen further teaches at least one satellite (Column 12 lines 12 – 15).

Regarding Claim 30, Noreen teaches all of the claimed limitations recited in Claim 28. Noreen further teaches at least two satellites (Column 4 lines 23 – 40, since this is a digital broadcast radio satellite system that broadcasts nationwide there will be at least two satellites to provide nationwide coverage).

Regarding Claim 31, Noreen teaches all of the claimed limitations recited in Claim 28. Noreen further teaches a radio operable to play or display detail information associated with a least one content segment (Column 13 lines 33 – 41).

Regarding Claim 32, Noreen teaches all of the claimed limitations recited in Claim 28. Noreen further teaches a select button (Column 13 lines 53 – 55).

Regarding Claim 35, Noreen teaches all of the claimed limitations recited in Claim 32. Noreen further teaches transmitting the program identifier via a wireless network (Figure 1, Column 13 lines 15 - 32).

Regarding Claim 36, Noreen teaches all of the claimed limitations recited in Claim 28. Noreen further teaches a scroll button (Column 4 lines 23 – 40, Column 13 lines 33 – 41, the user receives multiple content thus there is an inherent scroll button to allow the user to view said content).

Regarding Claim 37, Noreen teaches all of the claimed limitations recited in Claim 36. Noreen further teaches a series of program identifiers to be displayed on a display (Column 4 lines 23 – 40, Column 13 lines 33 – 41, the user receives multiple content thus there will be a series of identifiers that said user can view on the display).

Regarding Claim 38, Noreen teaches all of the claimed limitations recited in Claim 28. Noreen further teaches communicating with a high power wireless transmitter (Figure 1, Column 13 lines 63 - 67, the satellite is the high power wireless transmitter).

Regarding Claim 39, Noreen teaches all of the claimed limitations recited in Claim 28. Noreen further teaches displaying the program identifier (Column 13 lines 33 – 41).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 3, 5, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Logan et al. (US 6,199,076 B1).

Regarding Claim 1, Noreen teaches a method for charging advertising fees, comprising the steps of: broadcasting an advertisement for a sponsor in a broadcast (Column 13 lines 15 – 32), wherein the broadcast includes an identifier that uniquely identifies the advertisement and at least one of the sponsor of the advertisement and a product advertised in the advertisement (Column 13 lines 15 – 32); receiving a quantity of electronic indications from persons who observe the advertisement, wherein the

indications indicate interest in the product, and wherein the indications reference the identifier (Column 13 lines 33 – 67).

Noreen does not teach charging the sponsor a fee for broadcasting the advertisement, wherein the fee is based on the quantity of indications that are received.

Logan teaches charging the sponsor a fee for broadcasting the advertisement, wherein the fee is based on the quantity of indications that are received (Column 21 lines 33 – 50, the number of time the segment is accessed is the quantity of indications).

Noreen and Logan both teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fee charging method taught above by Logan in the digital audio broadcast system of Noreen for the purpose of allowing the user of said radio to “surf” through selections while listening to minimal information per segment without incurring subscription charges or generating advertising fees or royalty payments.

Regarding Claim 2, Noreen in view of Logan teaches all of the claimed limitations recited in Claim 1. Noreen further teaches a time at which and a channel on which the advertisement was broadcast (Column 13 lines 23 – 27, the carrier frequency is the channel).

Regarding Claim 3, Noreen in view of Logan teaches all of the claimed limitations recited in Claim 1. Noreen further teaches receiving one of wireless messages requesting more information about the product and wireless messages requesting to purchase the product (Column 13 lines 42 – 67).

Regarding Claim 5, Noreen in view of Logan teaches all of the claimed limitations recited in Claim 1. Noreen further teaches broadcasting from at least one satellite (Figure 1, Column 12 lines 12 – 15).

Regarding Claim 18, Noreen teaches a method for charging advertising fees comprising the steps of: broadcasting an advertisement associated with a plurality of sponsors (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers, this includes an advertisement associated with a plurality of sponsors); broadcasting a unique program identifier with the advertisement (Column 13 lines 15 – 32); receiving a wireless order message to buy a product of a sponsor of the plurality of sponsors, wherein the wireless order message references the unique program identifier (Column 13 lines 33 – 67).

Noreen does not teach charging the sponsor a fee for the wireless order message received to buy the product of the sponsor.

Logan teaches charging the sponsor a fee for the wireless order message received to buy the product of the sponsor (Column 21 lines 33 – 37, the royalty fee is the commission).

Noreen and Logan both teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fee charging method taught above by Logan in the digital audio broadcast system of Noreen for the purpose of allowing the user of said radio to “surf”

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through selections while listening to minimal information per segment without incurring subscription charges or generating advertising fees or royalty payments.

Regarding Claim 19, Noreen in view of Logan teaches all of the claimed limitations recited in Claim 18. Noreen further teaches broadcasting from at least one satellite (Figure 1, Column 12 lines 12 – 15).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Logan et al. (US 6,199,076 B1) and in further view of Crosby et al. (US 6,628,928).

Regarding Claim 4, Noreen in view of Logan teaches all of the claimed limitations recited in Claim 1. Noreen in view of Logan does not teach receiving downloads of the identifiers at a central hub.

Crosby teaches receiving downloads of the identifiers at a central hub (Column 6 lines 4 – 42, the network operations center is the central hub).

Noreen in view of Logan and Crosby teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the central hub method taught above by Crosby in the digital audio broadcast system of Noreen in view of Logan for the purpose of allowing the user of said radio to review requested information at a later time via the internet using said user's computer thus said user can review said information at said user's leisure.

6. Claims 6 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Parrella et al. (US 6,507,764 B1).

Regarding Claim 6, Noreen teaches broadcasting a first advertisement including a first identifier; receiving a first quantity of electronic indications from persons who observe the first advertisement, wherein the first quantity of electronic indications indicate interest in the first advertisement (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple identifiers and a quantity of electronic indications in response to said identifiers) and wherein the first quantity of electronic indications reference the first identifier (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple identifiers and a quantity of electronic indications in response to said identifiers); broadcasting a second advertisement including a second identifier; receiving a second quantity of electronic indications from persons who observe the second advertisement, wherein the second quantity of electronic indications indicate interest in the second advertisement (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple identifiers and a quantity of electronic indications in response to said identifiers), and wherein the second quantity of electronic indications reference the second identifier (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple

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subscribers thus there will be multiple identifiers and a quantity of electronic indications in response to said identifiers).

Noreen does not teach comparing the first quantity with the second quantity.

Parrella teaches comparing the first quantity with the second quantity (Column 1 lines 60 – 67, Column 2 lines 1 – 9, the statistical profiles are developed by comparing the responses to the advertising broadcasted by the digital broadcast system thus this is an inherent characteristic).

Noreen and Parrella both teach a digital audio broadcast system thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the statistical profiles taught above in Parrella in the digital audio broadcast system of Noreen for the purpose of carrying out targeted advertising campaigns for a targeted demographic.

Regarding Claim 7, Noreen in view of Parrella teaches all of the claimed limitations recited in Claim 6. Noreen further teaches wherein the first advertisement and the second advertisement are the same and wherein the step of broadcasting the first advertisement occurs at a different time of day than the step of broadcasting the second advertisement (Column 4 lines 23 - 40, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers on multiple channels, the content can also be the same thus this is an inherent characteristic).

Regarding Claim 8, Noreen in view of Parrella teaches all of the claimed limitations recited in Claim 6. Noreen further teaches wherein the first advertisement and the second advertisement are the same, and wherein the step of broadcasting the

first advertisement occurs on a different channel than the step of broadcasting the second advertisement (Column 4 lines 23 – 40, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers on multiple channels, the content can also be the same thus this is an inherent characteristic).

Regarding Claim 9, Noreen in view of Parrella teaches all of the claimed limitations recited in Claim 6. Noreen further teaches wherein the first advertisement and the second advertisement are different, wherein the first advertisement is broadcast at a particular time of day and on a certain channel, and wherein the second advertisement is broadcast at the particular time of day and on the certain channel (Column 4 lines 23 – 40, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers on multiple channels thus this is an inherent characteristic).

Regarding Claim 10, Noreen in view of Parrella teaches all of the claimed limitations recited in Claim 6. Noreen further teaches broadcasting from at least one satellite (Figure 1, Column 12 lines 12 – 15).

7. Claims 11 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Steele et al. (US 2002/0046084 A1) in further view of Crosby et al. (US 6,628,928 B1) and in further view of Logan et al. (US 6,199,076 B1).

Regarding Claim 11, Noreen teaches a method for charging advertising fees comprising the steps of: broadcasting an advertisement of a sponsor and broadcasting a unique program identifier with the advertisement (Column 13 lines 15 – 32).

Noreen does not teach recording the unique program identifier in memory devices in response to users' indicating interest in the advertisement.

Steele teaches recording the unique program identifier in memory devices in response to users' indicating interest in the advertisement (Section 0046 lines 1 – 5, Section 0063).

Noreen and Steele both teach a digital radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the recording method taught above in Steele in the digital radio in Noreen for the purpose of allowing a user to play back digital audio files at a later time that is convenient for said user.

Noreen in view of Steele does not teach downloading the unique program identifier from the memory devices to a central hub.

Crosby teaches downloading the unique program identifier from the memory devices to a central hub (Column 6 lines 4 – 42, the network operations center is the central hub).

Noreen in view of Steele and Crosby teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the central hub method taught above by Crosby in the digital audio broadcast system of Noreen in view of Steele for the purpose of allowing

the user of said radio to review requested information at a later time via the internet using said user's computer thus said user can review said information at said user's leisure.

Noreen in view of Steele and in further view of Crosby does not teach charging the sponsor for each unique program identifier that is downloaded.

Logan teaches charging the sponsor for each unique program identifier (Column 21 lines 33 – 50, there is a charge each time the segment is accessed).

Noreen in view of Steele and in further view of Crosby and Logan teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fee charging method taught above by Logan in the digital audio broadcast system of Noreen in view of Steele and in further view of Crosby for the purpose of allowing the user of said radio to "surf" through selections while listening to minimal information per segment without incurring subscription charges or generating advertising fees or royalty payments.

Regarding Claim 12, Noreen in view of Steele in further view of Crosby and in further view of Logan teaches all of the claimed limitations recited in Claim 11. Steele further teaches downloading to a portable device via one of a wireless and a temporary wired connection and employing the portable device to effect the downloading (Section 0070 lines 3 – 5, the connection to the internet gateway is a temporary wired connection).

Regarding Claim 13, Steele teaches all of the claimed limitations recited in Claim 12. Steele further teaches a personal digital assistant (Section 0072 lines 3 – 4).

Regarding Claim 14, Steele teaches all of the claimed limitations recited in Claim 12. Steele further teaches one of an infrared link and a radio frequency link (Section 0072 line 3).

Regarding Claim 15, Noreen in view of Steele in further view of Crosby and in further view of Logan teaches all of the claimed limitations recited in Claim 11. Noreen further teaches presenting a second advertisement of a sponsor (Column 4 lines 23 - 40, Column 13 lines 15 - 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple advertisements), Crosby further teaches a central hub (Column 6 lines 4 - 42), receiving click-through commands from users to activate the second advertisement (Column 6 lines 4 - 42, the user can access websites via the internet to purchase advertised products thus the click-through commands are inherent); launching an order screen of the second advertisement that presents a product for sale; passing the unique program identifier to the order screen (Column 6 lines 4 - 42, the user can access websites via the internet to purchase advertised products thus an order screen is inherent); accepting an order for the product and associating the order with the unique program identifier (Column 6 lines 4 - 42, the user can access websites via the internet to purchase advertised products thus accepting an order for said advertised product is inherent); Logan further teaches charging the sponsor a commission on the order (Column 21 lines 33 - 37, the royalty fee is the commission).

Regarding Claim 16, Noreen in view of Steele in further view of Crosby and in further view of Logan teaches all of the claimed limitations recited in Claim 11. Noreen

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further teaches presenting a second advertisement of a second sponsor (Column 4 lines 23 - 40, Column 13 lines 15 - 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple advertisements), Crosby further teaches a web site (Column 6 lines 4 - 42), receiving click-through commands from users to activate the second advertisement (Column 6 lines 4 - 42, the user can access websites via the internet to purchase advertised products thus the click-through commands are inherent); launching an order screen of the second advertisement that presents a product for sale; passing the unique program identifier to the order screen (Column 6 lines 4 - 42, the user can access websites via the internet to purchase advertised products thus an order screen is inherent); accepting an order for the product and associating the order with the unique program identifier (Column 6 lines 4 - 42, the user can access websites via the internet to purchase advertised products thus accepting an order for said advertised product is inherent); Logan further teaches charging the sponsor a commission on the order (Column 21 lines 33 - 37, the royalty fee is the commission).

Regarding Claim 17, Noreen in view of Steele in further view of Crosby and in further view of Logan teaches all of the claimed limitations recited in Claim 11. Noreen further teaches broadcasting from at least one satellite (Figure 1, Column 12 lines 12 - 15).

8. Claims 20 – 25, 27, 40 - 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Steele et al. (US 2002/0046084 A1) and in further view of Crosby et al. (US 6,628,928 B1).

Regarding Claim 20, Noreen teaches a system for providing radio listener feedback, comprising: a radio comprising a select button, wherein activation of the select button causes a program identifier associated with a segment of radio broadcast programming (Column 13 lines 44 – 67).

Noreen does not teach recording said program identifier.

Steele teaches recording said program identifier (Section 0046 lines 1 – 5, Section 0063).

Noreen and Steele both teach a digital radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the recording method taught above in Steele in the digital radio in Noreen for the purpose of allowing a user to play back digital audio files at a later time that is convenient for said user.

Noreen in view of Steele does not teach a central hub storing, or having links to, information associated with the program identifier; and means for communicating a recorded program identifier to the central hub and for obtaining the information associated with the program identifier.

Crosby teaches a central hub storing, or having links to, information associated with the program identifier; and means for communicating a recorded program identifier

to the central hub and for obtaining the information associated with the program identifier (Column 6 lines 4 – 42, the network operations center is the central hub).

Noreen in view of Steele and Crosby teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the central hub method taught above by Crosby in the digital audio broadcast system of Noreen in view of Steele for the purpose of allowing the user of said radio to review requested information at a later time via the internet using said user's computer thus said user can review said information at said user's leisure.

Regarding Claim 21, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 20. Noreen further teaches wherein program identifier identifies at least one of a programming segment, an advertisement, a described piece of merchandise, and feedback (Column 13 lines 23 – 32).

Regarding Claim 22, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 20. Steele further teaches a media link (Section 0073 lines 6 – 9, the home computer can be the media link, since digital radio has the ability to transfer data said radio can transfer said data to the home computer via the 802.11 link).

Regarding Claim 23, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 20. Crosby further teaches

transmission via at least one of a high and low power wireless transmitter (Column 6 lines 4 – 6).

Regarding Claim 24, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 20. Crosby further teaches an electronic network (Figure 1, Column 6 lines 4 – 9, the link between the ground station and the network operations center is part of an electronic network).

Regarding Claim 25, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 20. Noreen further teaches broadcasting from at least one satellite (Figure 1, Column 12 lines 12 – 15).

Regarding Claim 27, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 20. Crosby further teaches an electronic World Wide Web website (Column 6 lines 4 – 42).

Regarding Claim 40, Noreen teaches a system for implementing mobile commerce in a digital radio broadcasting system, comprising: a radio configured to receive a digital radio broadcast (Column 4 lines 23 – 40, Column 13 lines 33 – 41), the digital radio broadcast comprising a plurality of program segments each including a program identifier (Column 4 lines 23 – 40, Column 13 lines 15 – 32).

Noreen does not teach a media link that records at least one of the program identifiers.

Steele teaches a media link that records at least one of the program identifiers (Section 0046 lines 1 – 3, Section 0063, Section 0070 lines 3 – 5, Section 0073 lines 6

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–9, the digital radio can store advertisement information and transfer said information to remote devices and a home computer, said home computer can be the media link).

Noreen and Steele both teach a digital radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the media link taught in Steele in the digital audio broadcast system of Noreen for the purpose of transferring MP3 files to the digital radio thus allowing the user of said radio to listen to said MP3 files.

Noreen in view of Steele does not teach a central hub, reachable via an electronic network, that receives the at least one program identifier; and a computer that is connected to the electronic network and that receives information that is associated with the program identifier from the central hub.

Crosby teaches a central hub, reachable via an electronic network, that receives the at least one program identifier (Column 6 lines 4 – 42, the network operations center is the hub, said network operations center is connected to the ground station via an electronic network); and a computer that is connected to the electronic network and that receives information that is associated with the program identifier from the central hub (Column 6 lines 4 – 42, the computer is connected to the network operations center, which is a part of the electronic network, via the internet thus the computer will be connected to said electronic network).

Noreen in view of Steele and Crosby teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the central hub method taught above by Crosby in the

digital audio broadcast system of Noreen in view of Steele for the purpose of allowing the user of said radio to review requested information at a later time via the internet using said user's computer thus said user can review said information at said user's leisure.

Regarding Claim 41, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 40. Noreen further teaches at least one satellite (Figure 1, Column 12 lines 12 – 15).

Regarding Claim 42, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 40. Noreen further teaches a select button and activation of the select button (Column 13 lines 53 – 55).

Regarding Claim 43, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 40. Steele further teaches a media link temporarily physically connected with the radio (Section 0070 lines 3 – 5, the remote devices can also be the media links).

Regarding Claim 44, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 40. Steele further teaches a low power transmitter (Section 0073 lines 6 – 9, 802.11 is a protocol that uses low power transmitters).

Regarding Claim 45, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 40. Steele further teaches wherein the media link records the at least one program identifier via the low power transmitter (Section 0073 lines 6 – 9, the home computer can be the media link).

Regarding Claim 46, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 40. Steele further teaches a non-removable memory that stores a listing of program identifiers (Section 0046 lines 1 – 5, Section 0063, hard drives can be non-removable).

Regarding Claim 47, Steele teaches all of the claimed limitations recited in Claim 46. Noreen further teaches a scroll button which, when activated causes the program identifiers in the listing to be successively displayed (Column 4 lines 23 – 40, Column 13 lines 33 – 41, the user receives multiple content thus there will be a series of identifiers that said user can view on the display thus there is an inherent scroll button).

Regarding Claim 48, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 40. Noreen further teaches an identifier that identifies at least one of a content segment, an advertisement, a described piece of merchandise, and feedback (Column 13 lines 15 – 32).

Regarding Claim 49, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 40. Crosby further teaches a computer located at a user's residence (Column 6 lines 17 – 19).

Regarding Claim 51, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 40. Crosby further teaches a computer that is portable and is operable with the internet via a wireless connection (Column 6 lines 17 – 19, a work computer can be portable with wireless internet access).

Regarding Claim 52, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 40. Crosby further teaches a computer that is mountable in an automobile, is removable therefrom and is connectable to a wired network (Column 6 lines 17 – 19, a work computer can be used in a car and connect to a wired network in an office).

Regarding Claim 53, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 40. Noreen further teaches at least one high power transmitter (Column 12 lines 12 – 15), Crosby further teaches global positioning system equipment (Figure 2).

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Steele et al. (US 2002/0046084 A1) in further view of Crosby et al. (US 6,628,928 B1) and in further view of Briskman (5,864,579).

Regarding Claim 26, Noreen teaches all of the claimed limitations recited in Claim 25. Noreen in view of Steele and in further view of Crosby does not teach terrestrial repeaters.

Briskman teaches terrestrial repeaters (Column 2 lines 36 – 49).

Noreen in view of Steele and in further view of Crosby and Briskman teach a digital radio broadcast system that uses satellites thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the terrestrial repeaters taught in Briskman in the digital radio broadcast system of Noreen in view of

Steele and in further view of Crosby for the purpose of providing reliable service to radios in the cores of large cities, long tunnels, and inside modern buildings.

10. Claims 33 – 34 and 66 – 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Steele et al. (US 2002/0046084 A1).

Regarding Claim 33, Noreen teaches all of the claimed limitations recited in Claim 32. Noreen does not teach storing a program identifier.

Steele teaches storing a program identifier (Section 0046 lines 1 – 5, Section 0063).

Noreen and Steele both teach a digital radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the storing method taught above in Steele in the digital radio in Noreen for the purpose of allowing a user to play back digital audio files at a later time that is convenient for said user.

Regarding Claim 34, Noreen in view of Steele teaches all of the claimed limitations recited in Claim 33. Steele further teaches at least one of non-removable memory and a media link (Section 0046 lines 3 – 5, a hard drive is a non-removable memory).

Regarding Claim 66, Noreen teaches a system for effecting mobile commerce in a satellite radio broadcasting system, comprising: at least one content provider (Column 4 lines 23 – 40, this is a digital broadcast radio satellite system that broadcasts multiple

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content nationwide to multiple subscribers thus there will be at least one content provider); at least one satellite broadcasting the content (Figure 1); and a plurality of radios, of which at least one radio is configured to receive and play the content broadcast from the at least one satellite (Column 4 lines 23 – 40), wherein the content is separated into segments and each segment is assigned a program identifier (Column 4 lines 23 – 40, Column 13 lines 15 – 32).

Noreen does not teach at least one radio that is operable to print information related to the segments.

Steele teaches at least one radio that is operable to print information related to the segments (Figure 4, the radio has a ports for peripherals, keyboard (342), mouse (344), USB port (346), said USB port can be used to connect a printer).

Noreen and Steele both teach a digital radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the printing capability taught above by Steele in the digital radio of Noreen for the purpose of allowing the user to have access to a hard copy of the information that said user has an interest in.

Regarding Claim 67, Noreen in view of Steele teaches all of the claimed limitations recited in Claim 66. Steele further teaches wherein at least one radio is in communication with a printer port (Figure 4, the radio has a ports for peripherals, keyboard (342), mouse (344), USB port (346), said USB port can be used to connect a printer).

Regarding Claim 68, Noreen in view of Steele teaches all of the claimed limitations recited in Claim 66. Steele further teaches wherein at least one radio is in communication with a printer port (Figure 4, the radio has a ports for peripherals, keyboard (342), mouse (344), USB port (346), said USB port can be used to connect a printer).

Regarding Claim 69, Steele teaches all of the claimed limitations recited in Claim 68. Steele further teaches wherein the printer is one of a dot matrix printer, an ink jet printer, a bubble jet printer and a thermal head printer (Figure 4, the radio has a ports for peripherals, keyboard (342), mouse (344), USB port (346), said USB port can be used to connect a printer, ink jet, dot matrix, and bubble jet printers can connect to a USB port).

Regarding Claim 70, Noreen in view of Steele teaches all of the claimed limitations recited in Claim 66. Noreen further teaches wherein the information comprises the program identifier (Column 13 lines 15 – 32, the information that the user would be interested in is in the program signal).

Regarding Claim 71, Noreen in view of Steele teaches all of the claimed limitations recited in Claim 66. Noreen further teaches wherein the information comprises at least one of a coupon and a machine-readable bar code (Column 13 lines 15 – 55, the user places orders for products, there can be coupons such that said user can obtain said products at reduced prices thus this is an inherent characteristic).

Regarding Claim 72, Noreen in view of Steele teaches all of the claimed limitations recited in Claim 66. Noreen further teaches wherein the at least one satellite

is two satellites transmitting substantially the same content (Column 4 lines 23 – 40, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be more than one satellite for nationwide geographic coverage, said satellites can broadcast the same content in different areas of the country thus this is an inherent characteristic).

11. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Steele et al. (US 2002/0046084 A1) in further view of Crosby et al. (US 6,628,928 B1) and in further view of Bernstein et al. (5,761,071).

Regarding Claim 50, Noreen in view of Steele and in further view of Crosby teaches all of the claimed limitations recited in Claim 40. Noreen in view of Steele and in further view of Crosby does not teach a computer located at a kiosk.

Bernstein teaches a computer located at a kiosk (Figure 1, Column 3 line 66).

Noreen in view of Steele and in further view of Crosby and Bernstein teach a computer that accesses the world wide web thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the kiosk of Bernstein in the audio broadcast system of Noreen in view of Steele and in further view of Crosby for the purpose of allowing a user of the radio to have access to requested information via the internet when said user does not own a computer.

12. Claims 54 – 61, 63 - 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Crosby et al. (US 6, 628,928 B1).

Regarding Claim 54, Noreen teaches a system for providing radio listener feedback, comprising: a radio configured to receive a digital radio broadcast (Column 4 lines 23 – 40, Column 13 lines 33 – 41), the digital radio broadcast comprising a plurality of program segments each including a program identifier (Column 4 lines 23 – 40, Column 13 lines 15 – 32); and a high power wireless transmitter operable to receive at least one of the program identifiers (Column 13 lines 33 – 41).

Noreen does not teach transmitting at least one program identifier to a central hub at which or via which information that is associated with the at least one program identifier is available.

Crosby teaches transmitting at least one program identifier to a central hub at which or via which information that is associated with the at least one program identifier is available (Column 6 lines 4 – 42, the network operations center is the central hub).

Noreen and Crosby both teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the central hub method taught above by Crosby in the digital audio broadcast system of Noreen for the purpose of allowing the user of said radio to review requested information at a later time via the internet using said user's computer thus said user can review said information at said user's leisure.

Regarding Claim 55, Noreen in view of Crosby teaches all of the claimed limitations recited in Claim 54. Noreen further teaches broadcasting from at least one satellite (Figure 1, Column 12 lines 12 – 15).

Regarding Claim 56, Noreen in view of Crosby teaches all of the claimed limitations recited in Claim 54. Noreen further teaches wherein the at least one program identifier identifies at least one of a content segment, an advertisement, a described piece of merchandise, and feedback (Column 13 lines 15 – 32).

Regarding Claim 57, Noreen in view of Crosby teaches all of the claimed limitations recited in Claim 54. Noreen further teaches a program identifier select button (Column 13 lines 53 – 55).

Regarding Claim 58, Noreen in view of Crosby teaches all of the claimed limitations recited in Claim 54. Noreen further teaches a wireless transceiver (Column 13 lines 33 – 41, Column 13 lines 63 – 67, the program signal is received from the satellite and the user-data signal is transmitted to said satellite thus there is a wireless transceiver).

Regarding Claim 59, Noreen in view of Crosby teaches all of the claimed limitations recited in Claim 54. Noreen further teaches a voice recognition system operable to select at least one program identifier (Column 13 lines 42 – 53).

Regarding Claim 60, Noreen in view of Crosby teaches all of the claimed limitations recited in Claim 54. Noreen further teaches a display that displays at least a portion of the information (Column 13 lines 38 – 41).

Regarding Claim 61, Noreen in view of Crosby teaches all of the claimed limitations recited in Claim 54. Crosby further teaches global positioning system equipment (Figure 2).

Regarding Claim 63, Noreen in view of Crosby teaches all of the claimed limitations recited in Claim 54. Crosby further teaches wherein the central hub is an electronic commerce World Wide Web website (Column 6 lines 4 – 42).

Regarding Claim 64, Noreen teaches a system for receiving radio listener feedback in a satellite broadcasting system, comprising: a radio configured to receive a digital radio broadcast from the satellite (Column 4 lines 23 – 40, Column 13 lines 33 – 41), the digital radio broadcast comprising a plurality of program segments each including a program identifier (Column 4 lines 23 – 40, Column 13 lines 15 – 32); and a high power wireless transmitter operable to receive at least one of the program identifiers and further operable to transmit at least one program identifier (Column 13 lines 33 – 67).

Noreen does not teach a central hub.

Crosby teaches a central hub (Column 6 lines 4 – 42, the network operations center is the central hub).

Noreen and Crosby both teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the central hub method taught above by Crosby in the digital audio broadcast system of Noreen for the purpose of allowing the user of said radio to review requested information at a later time via the internet using said user's computer thus said user can review said information at said user's leisure.

Regarding Claim 65, Noreen in view of Crosby teaches all of the claimed limitations recited in Claim 64. Crosby further teaches a program identifier that is a

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representative of at least one of a vote and a sweepstakes entry (Column 6 lines 25 – 28, a user can vote in opinion polls).

13. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Crosby et al. (US 6, 628,928 B1) and in further view of Steele et al. (US 2002/0046084 A1).

Regarding Claim 62, Noreen in view of Crosby teaches all of the claimed limitations recited in Claim 54. Noreen in view of Crosby does not teach memory in the radio stores a plurality of program identifiers.

Steele teaches memory in the radio stores a plurality of program identifiers (Section 0046 lines 1 – 5, Section 0063).

Noreen in view of Crosby and Steele teach a digital radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the memory taught above in Steele in the digital radio in Noreen in view of Crosby for the purpose of allowing a user to play back digital audio files at a later time that is convenient for said user.

Conclusion

14. Any inquiry concerning this communication should be directed to Raymond S. Dean at telephone number (703) 305-8998.

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If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

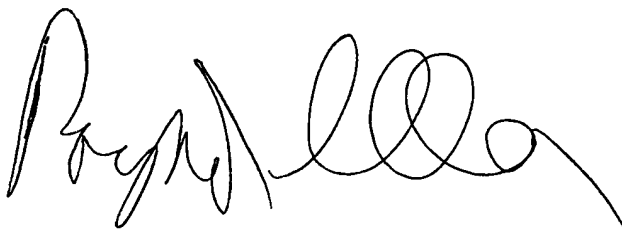
Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand – delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377



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